

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYNERGY GREENTECH
CORPORATION,

Plaintiff,

v.

MAGNA FORCE, INC. ,

Defendant.

CASE NO. 3:12-cv-05543

**ORDER AND STIPULATED
MOTION TO FILE PORTIONS OF
SYNERGY GREENTECH
CORPORATION'S REPLY
MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT
UNDER SEAL**

Note on Motion Calendar: June 28, 2013

In accordance with CR 5(g) and 7(d)(1), and the Protective Order governing this case (Dkt. #21), Plaintiff Synergy GreenTech Corporation ("SGT") and Defendant Magna Force, Inc. ("MFI"), hereby submit this stipulated motion to seal confidential portions of SGT's Reply Memorandum in Support of SGT's Motion for Summary Judgment ("Reply").

Pursuant to Local Rule W.D. Wash. 5(g)(2), the Court may seal a document regarding a dispositive motion upon a showing of good cause. Both the Supreme Court and the Ninth Circuit have held that good cause exists to limit public access to judicial documents where such records constitute "sources of business information that might harm a litigant's competitive standing." See, e.g., *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978); *In re McClatchy Newspapers, Inc.*, 288 F.3d 369, 370-71 (9th Cir. 2002).

The current litigation between SGT and MFI centers on a patent assignment agreement

1 regarding the transfer of certain MFI patents and license agreements from MFI to SGT. A third
2 party, MagnaDrive Corporation ("MDC"), is a licensee to the MFI patents pursuant to its license
3 agreement with MFI. MDC is not only a competitor to SGT and MFI in the magnetic coupling
4 market, but is a party to a separate litigation pending before the Court of Appeals of the State of
5 Washington involving the patent assignment agreement and MDC license agreement. Therefore,
6 SGT's and MFI's competitive standings will be harmed if the confidential business and financial
7 information contained in SGT's Reply is not protected from public dissemination.

8 **Local Rule 5(g)(3) Certification**

9 In keeping with the Court's local rules governing motions to seal, the Parties conferred
10 telephonically on June 28, 2013 to minimize the amount of materials filed under seal. The parties
11 have agreed that none of the exhibits to Li Reply Declaration in Support of SGT's Reply needs
12 be sealed and have withdrawn confidentiality exhibits previously been designated
13 "Confidential."

14 In compliance with Local Rule W.D. Wash. 5(g)(3)(B), SGT and MFI seek to file under
15 seal confidential portions of SGT's Reply: Portions sought to be redacted reflect confidential
16 and proprietary business information of SGT, MFI, and MDC that SGT has the obligations to
17 keep confidential pursuant to non-disclosure agreements. Portions sought to be redacted also
18 discuss confidential information contained in briefs, declarations and exhibits SGT and MFI
19 previously filed under seal. The public dissemination of such information would threaten to
20 harm the competitive standing of SGT, MFI, and MDC.

21 Per Local Rule W.D. Wash. 5(g)(5)(B), SGT is concurrently filing the unredacted
22 versions of SGT's Reply under seal, while awaiting the Court's order on the present motion.

23 WHEREFORE, SGT and MFI respectfully request leave to file SGT's Reply under seal.
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DATED: June 28, 2013

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IT IS SO ORDERED.

Dated this 1 day of June, 2013.


The Honorable Benjamin H. Settle
UNITED STATES DISTRICT JUDGE